

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Jason R. Albertson,

Civil 11-3097 JNE/FLN

Plaintiff,

v.

REPORT AND  
RECOMMENDATION

Bumper Warehouse, Inc.,

Defendant.

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On November 21, 2011, Plaintiff's counsel made a motion to withdraw, because it appeared his client had settled his case with the Defendant without the knowledge of his lawyer. In addition, Plaintiff's counsel's motion stated that Plaintiff refused to communicate with his lawyer. [Docket Entry 5]

On November 29, 2011, the Court *sua sponte* entered an order requiring Plaintiff to show cause on or before December 20, 2011, why the case should not be dismissed. [Docket Entry 7]

Nothing was filed in response to the Court's November 29, 2011 order.

Based upon the foregoing, and all of the files, records and proceedings herein, IT IS  
HEREBY RECOMMENDED:

1. That the complaint be DISMISSED; and
2. Plaintiff's counsel's motion to withdraw [#5] be DENIED as moot.

DATED: January 18, 2012.

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing

with the Clerk of Court and serving on all parties, on or before **February 1, 2012**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.